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April 23, 2018

VIA ECF

Honorable Judge Peter G. Sheridan
United States District Court Judge
Clarkson S. Fisher Federal Building
& U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: Motion for Class Certification
Fenwick, et al. v. Ranbaxy, et al.
Case No.: 12-CV-07354-PGS-DEA
Our File No.: 170.187

Dear Honorable Judge Sheridan:

Our law firm represents the plaintiffs in the captioned class action case. We filed our Motion for Class Certification on March 23rd. On April 20th, the defendants e-mailed us about the font that we used in our Memorandum of Law in Support of Motion for Class Certification. They pointed out that because of the font that I used, I should have applied the 30 page limit in the Local Rules rather than the 40 page limit in the Rules. They requested that I agree to them using the same font and submitting a brief of the same length as my Memorandum of Law. I consented to their request.

Our Memorandum of Law is 39 pages long and is in Times New Roman 12 font. When I prepared the Memorandum of Law, I referred to the 40 page limit for briefs (excluding Table of Contents and Authorities) that is contained in Local Rule 7.2(b). I used the same font that I have used numerous times in the District of New Jersey, including in briefs submitted to Your Honor. Unfortunately, I did not focus on Local Rule 7.2(d), which reduces the page limit for briefs if a proportional font is used as compared to a non-proportional font. With a proportional font like the one I used, Local Rule 7.2(d) reduces the page limit to 30 pages rather than the 40 page limit for a non-proportional font.

Also, although the defendants did not raise the issue, I realized that our Memorandum of Law contains another error relating to the fonts used. The footnotes are in Times New Roman 10 font rather than Times New Roman 12 font. The font that I used in the footnotes is incorrect because Local Rule 7(d) requires footnotes to be in the same size of type utilized in the text.

I apologize to Your Honor for my mistake with the fonts that I used in my Memorandum of Law. I respectfully request that you allow my brief to be 39 pages in Times New Roman 12 font, with Times New Roman 10 font footnotes, and that you allow the defendants to submit a brief of the same fonts and length.

Thank you for your time and consideration.

Respectfully yours,

GAINEY McKENNA & EGGLESTON

Barry J. Gainey

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom, positioned over the printed name and firm name.

BJG/dxg

cc: Defense Counsel:
Dmitriy Tishyevich, Esq.
Devora Allon, Esq.
Michael Patunas, Esq. (Local Counsel)
(Via ECF)